

**IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN
DISTRICT OF WEST VIRGINIA - HUNTINGTON**

**PHILLIP STEWART, PERSONAL REPRESENTATIVE
OF THE ESTATE OF LADONNA STEWART DECEASED,**

PLAINTIFF,

v.

**CIVIL ACTION NO.: 3:13-CV-7722
Judge Robert C. Chambers**

**STEVEN RAY HIGGINS AND
ERIE INSURANCE COMPANY,**

DEFENDANTS.

STIPULATION OF DISMISSAL WITH PREJUDICE

Plaintiff and Defendant Erie Insurance Property & Casualty Company, Inc. (hereinafter "Erie"), being the only parties who have appeared in this action, by counsel, hereby stipulate and agree that Plaintiff's claims for uninsured and underinsured motorist benefits under Erie Policy No. Q04 6506994 are withdrawn and hereby dismissed, with prejudice, and further that this entire civil action be, and the same hereby is, dismissed with prejudice, all in accordance with *Rule 41(a) (1)(A)(ii), Federal Rules of Civil Procedure*.

Dated the 3rd day of May, 2013.

s//Harvey D. Peyton

Harvey D. Peyton, Esquire (#2890)

The Peyton Law Firm

P. O. Box 216

Nitro, WV 25143

Telephone: (304) 755-5556

Telefax: (304) 755-1255

Counsel for Plaintiff

s// P. Joseph Craycraft

P. Joseph Craycraft

Swartz Campbell, LLC

1233 Main Street, Suite 1000

Wheeling, WV 26003

Telephone: (304) 232-2790

Telefax: (304) 232-2659

**Counsel for Defendant Erie
Insurance Property & Casualty
Company, Inc.**